

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

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|----------------------------------|---|-------------------------------|
| STATE OF NEW MEXICO, ex rel. the |) | |
| State Engineer, |) | |
| |) | |
| Plaintiff, |) | 69cv07941-BB |
| |) | |
| v. |) | Rio Chama Adjudication |
| |) | |
| ROMAN ARAGON, et al., |) | |
| |) | Pueblo Claims Subproceeding I |
| Defendants. |) | |
| |) | |

NOTICE AND ORDER SETTING SCHEDULING CONFERENCE

Pursuant to a request from counsel who are actively participating in the litigation of Pueblo Claims Subproceeding I, a scheduling conference is hereby set for 1:00 p.m., Tuesday, April 27, 2010, in the Auxiliary Courtroom, United States District Court, 106 South Federal Place, Santa Fe, NM. Subjects for discussion are the attached, proposed Second Amended Scheduling Order on Pueblo Claims and any other matter related to the scheduling for this Subproceeding.

Mr. Bradley Bridgewater, counsel for the United States of America, has requested permission to appear by telephone. His request is granted.

IT IS SO ORDERED.

Vickie L. Gabin
SPECIAL MASTER

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

| | | |
|------------------------------------|---|-------------------------|
| STATE OF NEW MEXICO <i>ex rel.</i> |) | |
| State Engineer, |) | |
| |) | |
| Plaintiff, |) | No. 69cv07941-BB |
| |) | |
| |) | Rio Chama Stream System |
| |) | |
| ROMAN ARAGON, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

SECOND AMENDED SCHEDULING ORDER ON PUEBLO CLAIMS

Pursuant to Fed.R.Civ.P. 16(b) and the Court's April 21, 1994 *Order of Reference*, and for good cause shown, the November 3, 2004 *Scheduling Order on Pueblo Claims* (No. 7639) ("Scheduling Order"), as amended by the February 27, 2008 *Amended Scheduling Order on Pueblo Claims* (No. 9118) and the February 8, 2010 *Order Granting Motion to Vacate Pueblo Claims Deadlines and Set Scheduling Conference* (No. 9577), is hereby further amended as follows.

1. Section 4.1 of the Scheduling Order is amended as follows:

4.1.5 Not later than January 31, 2013, counsel for the United States and counsel for the State of New Mexico *ex rel.* State Engineer shall, after conferring with counsel for all parties to Pueblo Claims Subproceeding 1, submit a joint motion requesting a scheduling conference to be held in March of 2013, and setting forth the parties' recommended dates for the scheduling conference. Subject to reconsideration at that scheduling conference, the following shall govern the course of Subproceeding 1:

4.1.5.1 Discovery completion date: All discovery will be commenced in time to be completed by December 1, 2015. Motions relating to discovery (including, but not limited to, motions to compel and motions for protective order) shall be filed with the Court and served on opposing parties by January 28, 2016. This deadline shall not be construed to extend the twenty-day time limit in D.N.M.LR-Civ. 26.6.

4.1.5.2 Expert Witness Disclosure: The parties anticipate calling expert witnesses in the fields of hydrology, archeology, anthropology, history, agricultural science, soil science, palynology, and hydrographic survey. Reports from retained experts under Rule 26(a)(2) shall be due:

From the United States by July 1, 2013

From Ohkay Owingeh by March 3, 2014

From the State by September 30, 2014;

From all other parties by February 2, 2015.

4.1.5.3 Witness and Exhibit Lists: Final lists of witnesses and exhibits under Rule 26(a)(3) shall be due from all parties on May 2, 2016. Parties shall have 15 days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3).

4.1.5.4 Pretrial Motions: Pretrial motions, other than discovery motions, shall be filed with the Court and served on opposing parties by February 29, 2016, or thirty (30) days after relevant documents are provided pursuant to a motion to compel, whichever is later. Any pretrial

motions, other than discovery motions, filed after this date shall be considered untimely in the discretion of the Court.

4.1.5.5 Date and Anticipated length of trial: The case should be ready for trial by June 2016. The parties agree that it is impossible to make a realistic projection concerning the length of trial at this point in time.

2. Section 4.2 of the Scheduling Order is amended as follows:

4.2.1 Not later than 90 days following the conclusion of the trial of Subproceeding 1, counsel for the United States and counsel for the State of New Mexico ex rel. State Engineer shall, after conferring with counsel for all parties, submit a joint motion requesting a conference for the purpose of establishing the schedule to govern Pueblo Claims Subproceeding 2, and setting forth the parties' recommended dates for the scheduling conference.

3. Except as amended pursuant to this Order, all other provisions of the Scheduling Order remain in full force and effect.

IT IS SO ORDERED.

Dated: April ___, 2010

SPECIAL MASTER VICKIE L. GABIN